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OFFICE OF PETITIONS

In re Patent of Rosen et al
Patent No. 6,905,688

Application For Patent Term
Adjustment Pre-Grant

Issue date: June 14, 2005

Application No. 09/833,118

Filed: April 12, 2001

Attorney Docket No. 6832.0017

This is in response to the "Application for Patent Term Adjustment Pre-Grant" timely¹ filed on September 3, 2004 requesting that the Office adjust the Patent Term Adjustment amount at the time of the mailing of the notice of allowance from 364 days to an amount of 377 days.

Applicant's Application for PTA is GRANTED to the extent herein indicated.

The Office will adjust the Patent Term Adjustment by adding an additional 13 days to the determined amount of PTA and sua sponte issue a certificate of correction to reflect this decision. The Office will also adjust the PAIR calculation to reflect this decision.

Applicants assert that they did not fail to engage in any reasonable efforts to conclude prosecution of the application

¹Issue fee paid on September 3, 2004.

because they responded to the Notice to File Missing Parts on January 18, 2002. Accordingly, they assert that the 13 day reduction pursuant to 37 CFR 1.704(b) is in error.

A review of the file reflects that the response to the notice to file missing parts was submitted on January 18, 2002 as asserted by applicants. Moreover, applicants response was complete. Accordingly, applicants responded timely to the notice to file missing parts and did not fail to engage in reasonable efforts to conclude prosecution of the application pursuant to 37 CFR 1.704(b).

The office issued the application with a total of four hundred and six days (406). After the notice of allowance, the Office failed to issue the application within four months of the payment of the issue fee and other requirements being satisfied pursuant to 37 CFR 1.702(a)(4), a delay of one hundred and sixty-two(162) days. However, applicants failed to engage in reasonable efforts to conclude prosecution of the application by a submission pursuant to 37 CFR 1.704(c)(10), a one hundred and twenty (120) day delay. Accordingly, the proper amount of PTA is four hundred and nineteen (419) days.

The acknowledges the submission of the application fee of \$200.00. No additional fees are necessary.

After the mailing of this decision, the Office will forward this application to the certificate of correction branch for a prompt issuance of a certificate of correction.

Any questions concerning this decision should be directed to Kery Fries, Senior Legal Advisor, at 571-272-7757.

*Kery Fries
for*
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